

III. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-25 and 50-73 are pending, with Claims 1, 50 and 71 being independent. Claims 26-49 have been cancelled without prejudice or disclaimer. Applicants reserve the right to file one or more divisional applications for the subject matter of these withdrawn claims.

Applicants have amended independent Claims 1, 50 and 71 to clarify that the channel has a longitudinal axis, that the first section and the second section of the channel are disposed serially along the longitudinal axis and that the first section has a narrower width than the second section when measured along the longitudinal axis. These amendments are supported throughout the present application – see, for example Figure 10 which illustrates an elongate channel 15 having first and second section disposed serially along a longitudinal axis of the channel wherein one of the sections has a narrower width than the other section. Applicants submit that all amendments presented herein are being made for reasons of clarity with respect to the specification in drawings, and not for reasons relating to statutory requirements for patent ability. It is believed that no new subject matter has been added by the amendments submitted herein.

In Paragraph 1 of the Office Action, the Examiner made final the restriction requirement previously raised. Without conceding the propriety of this restriction requirement, Applicants have cancelled non-elected Claims 26-49 without prejudice or disclaimer.

In Paragraph 2 of the Office Action, the Examiner raises a minor objection to the drawings. Applicants have amended Figures 1-5 to include a legend identifying the illustrations as prior art. The Examiner is requested to reconsider and withdraw the objection to the drawings.

In Paragraph 4 of the Office Action, the Examiner rejected Claims 1, 2, 5-10, 17-22, 24, 50, 51, 54-58, 65-67 and 69-72 under 35 U.S.C. §102(b) as being purportedly anticipated by United States patent 5,605,373 [Wildern, IV et al. (Wildern)]. This objection is traversed. Reconsideration is requested.

As the Examiner will see, independent Claims 1, 50 and 71 recite a channel having a longitudinal axis and having a first section and a second section disposed serially along this longitudinal axis. Further, the section has a narrower width than the second section measured along this longitudinal axis.

Wildern does not teach a channel having these features. Specifically, the Examiner has read the terms “the first section” and “second section” in the present Claims onto small diameter portion 24 and large diameter portion 22, respectively, in Wildern. These elements in Wildern are not disposed serially along the longitudinal axis of the channel and the smaller diameter portion 24 does not have a “narrower width” than large diameter portion 22 when measured along the longitudinal axis of the channel.

Accordingly, Applicants submit that instant Claims 1, 50 and 71 distinguish Wildern. The Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. §102(b).

In Paragraph 6 of the Office Action, the Examiner rejected Claims 23 and

68 under 35 U.S.C. §103(a) as being purportedly unpatentable. It is believed that this rejection will be moot if the Examiner reconsiders and withdraws the rejection under 35 U.S.C. §102(b) discussed above.

In Paragraph 7 of the Office Action, the Examiner rejected Claims 1-25 and 50-73 under 35 U.S.C. §103(a) as being purportedly unpatentable over United States patent 5,641,552 [Tillner] in view of United States patent 5,972,465 [Ohno et al. (Ohno)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

To substantiate the rejection, the Examiner refers to Figure 2 and states Tillner “shows that the insertion gap has an upper part and a lower part wherein the upper part has a narrower width than the lower part. This reads on the channel having a first section and a second channel wherein the first section has a narrower width than the second section.” As discussed above, instant independent Claims 1, 50 and 71 recite a channel having a longitudinal axis, the channel having a first section and a second section disposed serially along the longitudinal axis. The first section has a narrower width than the second section when measured along this longitudinal axis. Thus, a channel having the features set out in instant Claims 1, 50 and 71 does not read on Figure 2 of Tillner.

Accordingly, without conceding the propriety of the combination of Tillner and Ohno made by the Examiner (in fact, Applicant expressly disagrees with the combination), even if one were to make the combination proposed by the Examiner, one would not arrive at the subject matter of instant Claims 1, 50 and 71. Provision of a channel as set out in instant Claims 1, 50 and 71 provides the ability to produce a covered foam pad having a number of advantages as set out in Paragraph 21 of the present

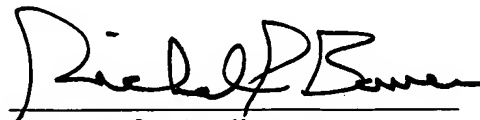
application. Applicant submits that neither Tillner nor Ohno, taken together or alone, teach or suggest the subject matter of instant Claims 1, 50 and 71, or the advantages accruing therefrom as described in Paragraph 21 of the present application.

The Examiner is requested to reconsider and withdraw the rejection of Claims 1-25 and 50-73 under 35 U.S.C. §103(a) as being unpatentable over Tillner in view of Ohno.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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